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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,549	07/13/1999	HANNU KARI	10178.115USW	5267

32294 7590 10/21/2003

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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 10/21/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/341,549

Applicant(s)

KARI ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/25/03 has been entered.

Response to Amendment

2. **Claims 2-19** as amended are still in consideration for this application. Applicant has amended claims 2-15.

3. Examiner **withdraws** the 112-second paragraph rejection for Office action filed 4/25/03. Examiner thanks applicant for pointing out through prosecution that the "overall service situation indicates the average of at least one parameter of several users within the network" [in reference to applicant's remarks filed 8/25/03 on page 7, first paragraph]. Based on applicant's clarification, examiner also notes there appears to be no grounds for a possible 112-first paragraph rejection as previously mentioned in advisory action mailed 8/6/03.

4. Examiner **withdraws** the obviousness rejection to *Chakraborty* in view of *Turina*, and *Chakraborty* in view of *Hayman et al.* for Office action filed 8/25/03. Both rejections are withdrawn given applicant's clarification on "overall service situation" as well as the claims as necessitated by amendment.

Claim Objections

5. **Claim 16** is objected to because of the following informalities: line 2 contains the term “ration” which should probably be “ratio”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,327,577 to *Uddenfeldt* in view of U.S. Patent No. 6,339,698 to *Cullen* and U.S. Patent No. 5,729,542 to *Dupont* (previously cited on ISR as WO 97/19525).

As to **claim 12**, *Uddenfeldt* discloses a handover method for a radio system. In particular, *Uddenfeldt* discloses that different criteria (i.e., parameters) are used to determine handover wherein the at least one parameter is determined relating to at least two base stations systems and the at least one parameter is employed as a cross over criterion [see column 11, lines 8-36].

Not clearly taught by the reference is the further limitation of “determining at least one parameter representing the overall service situation of the packet radio network”. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant’s invention to represent the overall service situation where applicant has defined overall service situation as the average of at least one parameter of several users within the network (examiner notes that all of above cited definition may not

necessarily be recited in the claim). As support, *Cullen* cures the above cited deficiency by disclosing that taking the average of a parameter over a given time period is well known in the art [column 4, lines 34-61]. Examiner notes some parameters, such as the traffic conditions in different parts of the network (*Uddenfeldt* column 11, line 32) and capacity, relate to more than one user. Thus the references in combination teach the definition of the average of at least one parameter of several users within the network. Examiner notes that *Uddenfeldt* is also silent or deficient to the further limitation of “where several classes of service for the quality of service have been determined”. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant’s invention to user several classes for the quality of service determined. One motivation would be to allow priority to users for a cellular network. As support, *Dupont* cures the above-cited deficiency by disclosing QoS classes [e.g., see column 4, lines 20-46].

As to **claims 2-3**, see *Uddenfeldt* column 11, lines 20-36 or *Cullen* at column 3, lines 15-29.

As to **claim 4**, see *Uddenfeldt* column 11, lines 20-36.

As to **claim 5**, see *Uddenfeldt* column 8, lines 40-41.

As to **claim 6**, examiner notes a reasonable but broad interpretation of “resource reservations” (in light of applicant’s specification on page 6, lines 24-36) for parameters employed as a crossover criterion as taught by *Uddenfeldt* column 11, lines 20-36 (i.e., traffic conditions).

As to **claims 7-9**, see column 2, line 51 and column 8, lines 14-24 of *Dupont*.

As to **claim 10 and 11**, see column 4, lines 20-46 of *Dupont*.

As to **claim 13-14**, see the rejection for claim 3.

As to **claim 15**, see *Cullen* column 5, lines 4-26 and column 5, lines 50-67.

As to **claim 16**, see the rejection for claim 4.

As to **claim 17**, see the rejection for claim 5.

As to **claim 18**, see the rejection for claim 6.

As to **claim 19**, see the rejection for claim 9.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Packet Switching in Digital Cellular System" discloses two types of handoffs (see page 416, right-hand column).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Derrick W. Ferris
Examiner
Art Unit 2663

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DWF *DWR*

Chi Pham
CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 10/17/03